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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

RENATA SWIECONEK-TINOCO, an  
Individual,

Plaintiff,

vs.

ALAN POLAND, an Individual,  
Defendant.

CASE NO.: 2:20-cv-01626-GMN-VCF

**AMENDED STIPULATION AND  
ORDER REGARDING FRCP 35  
MEDICAL EXAMINATION OF  
PLAINTIFF RENATA SWIECONEK-  
TINOCO**

In response to this Court's December 16, 2020 Minute Order (ECF No. 16), the parties state that on November 19, 2020, Doctor Joseph J. Schifini, M.D. ("Doctor") conducted the FRCP Rule 35 Examination of the Plaintiff RENATA SWIECONEK-TINOCO (the "Plaintiff") and that they were planning to file the Stipulation and Order Regarding FRCP 35 Medical Examination of Plaintiff Renata Swieconek-Tinoco (ECF No. 11) before the subject examination. However, through inadvertence the stipulation was filed after the examination.

Nevertheless, this examination was conducted pursuant to the below conditions approved by the parties and this Court on December 16, 2020 (ECF No. 16):

1. The scope of the examination was to be limited to the injuries Plaintiff alleges were caused by the subject accident and which are within the Doctor's field of expertise.

2. No persons were to be present during the examination other than Plaintiff, the Doctor and members of the Doctor's staff.

3. The Doctor was to treat Plaintiff with the same respect with which he treats his patients.

4. The Doctor was not to require the Plaintiff to sign or fill out any document(s) that had not been provided to the Plaintiff's counsel at least one business day prior to the examination.

5. The Plaintiff was to identify herself at the time of the examination by providing the Doctor with her valid ID.

6. During the examination, the Doctor was not to conduct any invasive procedures, including, but not limited to incisions, injections, rectal examination, body fluids sampling, DNA sampling, MRI, X-Rays, hair sampling, etc.

7. The Doctor retained all handwritten notes, e-mails sent and received, and all documents generated or received, including draft reports, related to the examination.

8. The Doctor would not videotape the Plaintiff.

9. The Doctor would not discuss with the Plaintiff issues involving liability of the case. However, the Doctor was permitted to ask questions regarding the cause of the Plaintiff's alleged injury.

10. The Doctor was to accurately report his/her findings and test results.

11. The Doctor acknowledge that his/her deposition may be taken in this case, and he would cooperate with the scheduling of same.

12. The Doctor acknowledged that his/her testimony may be used to cross-examine him/her in the future.

13. The examination took place on November 19, 2020 at 10:30 a.m. at the Doctor's office located at 600 S. Tonopah Dr. Suite 240 Las Vegas, NV 89106

1 14. Plaintiff was to arrive ten (10) minutes earlier than the scheduled appointment  
2 time.

3 15. Prior to the examination, Defense counsel provided the Doctor with a copy of this  
4 Stipulation and Order. The Doctor reviewed and agreed to the terms of this Stipulation and Order.

5 16. Defendant and the Plaintiff have entered into this Stipulation and have requested  
6 that the Court issue and Order incorporating its terms.

7 DATED December 21, 2020.

8 **RANALLI ZANIEL FOWLER & MORAN,**  
9 **LLC**

10 /s/ VICKI DRISCOLL

11 **VICKI DRISCOLL ESQ.**

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10 /s/ JAKUB MEDRALA

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14  
15 **ORDER**

16 **IT IS ORDERED,** that the terms of the above AMENDED STIPULATION  
17 AND ORDER REGARDING FRCP 35 MEDICAL EXAMINATION OF PLAINTIFF  
18 RENATA SWIECONEK-TINOCO are approved and incorporated in this ORDER.

19  
20 DATED: 12-21-2020

21   
22 **UNITED STATES MAGISTRATE JUDGE**